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HOUSE MEMORIAL 36

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Miguel P. Garcia

A MEMORIAL

**REQUESTING THE SECRETARY OF PUBLIC EDUCATION TO FORMULATE A
PLAN IDENTIFYING THE STEPS NECESSARY FOR STATE WITHDRAWAL FROM
THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001.**

**WHEREAS, New Mexico's assessment and accountability
system, which rates the performance of students, public schools
and public school districts, was established to comply with the
provisions of the federal No Child Left Behind Act of 2001; and**

**WHEREAS, the assessment and accountability system tests
whether students in public schools have achieved adequate
yearly progress; and**

**WHEREAS, a public school that fails to make adequate
yearly progress for two consecutive school years is ranked as a
school that needs improvement; and**

WHEREAS, a public school that fails to make adequate

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1 yearly progress for four consecutive school years becomes
2 subject to corrective action; and

3 WHEREAS, the requirements of the assessment and
4 accountability system stigmatize public schools that are ranked
5 as schools that need improvement or that are subject to
6 corrective action; and

7 WHEREAS, excellent students often leave those schools as a
8 result of the stigmatization, thus removing positive role
9 models for other students in those schools; and

10 WHEREAS, the assessment and accountability system's
11 measurement of performance through tests shifts the focus of
12 the public education department away from using creative
13 methods to improve public schools; and

14 WHEREAS, withdrawal from participation in the federal No
15 Child Left Behind Act of 2001 might prevent those adverse
16 consequences;

17 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
18 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the secretary
19 of public education be requested to formulate a written plan
20 identifying the steps necessary for state withdrawal from the
21 federal No Child Left Behind Act of 2001; and

22 BE IT FURTHER RESOLVED that the secretary of public
23 education be requested to present that plan to the appropriate
24 interim committee of the legislature by December 31, 2004; and

25 BE IT FURTHER RESOLVED that the secretary of public

1 education be requested to file that plan in duplicate with the
2 legislative council service library; and

3 BE IT FURTHER RESOLVED that a copy of this memorial be
4 transmitted to the secretary of public education.

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